

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

DOUGLAS MASTRIANO

PLAINTIFF,

v.

James Gregory, III
1509 Vandivort Place
Edmond, OK 73034

And

Roland Kuhn, the National Research Council of Canada, Paul Mazerolle, President and Vice-Chancellor, University of New Brunswick, Canada; David MaGee, Vice-President, Research; Drew Rendall, Dean, Graduate Studies; Jeff Brown; Cindy Brown; Stephen Dutcher; Sean Kennedy; Erin Morton; Mattew Sears; Lee Windsor; Stefanie Hunt-Kennedy; Carolyn MacDonald; Sasha Mullaly; Lisa Todd; Sarah-Jane Corke; Bonnie Huskins; Elizabeth Mancke; Janet Mullin; Angela Tozer; Margaret MacMillan; Robert Bothwell; John Ferris;

- *each in his or her individual capacity*

And

University of New Brunswick, Canada,

And

John & Jane Doe

Case No.: 5:24-cv-00567-F

Assigned to the Hon. Stephen P. Friot

**CERTAIN DEFENDANTS'
MOTION FOR LEAVE TO
FILE OVERSIZED BRIEF**

DEFENDANTS.

MOTION FOR LEAVE TO FILE OVERSIZED BRIEF

NOW COME Defendants the University of New Brunswick (identified in the Complaint as “University of New Brunswick, Canada,” and referred to herein as “UNB”) and its alleged administrators and staff members Paul Mazerolle, David MaGee, Drew Rendall, Jeff Brown, Cindy Brown, Stephen Dutcher, Sean Kennedy, Erin Morton, Matthew Sears, Lee Windsor, Stefanie Hunt-Kennedy, Carolyn MacDonald, Sasha Mullaly, Lisa Todd, Sarah-Jane Corke, Bonnie Huskins, the Estate of Elizabeth Mancke, and Angela Tozer (the individuals are collectively referred to as “Individual Defendants,” and the Individual Defendants and UNB are collectively referred to as “the University Defendants”) and, pursuant to LCvR 7.1(e), respectfully requests that this Court grant leave to file an oversized brief in support of its Motion to Dismiss. In support of their Motion, the University Defendants state as follows:

1. Pursuant to LCvR 7.1(e), briefs shall not, without leave of court, exceed 25 pages as to all motions other than summary judgment briefs.
2. The University Defendants intend to file a Motion to Dismiss Plaintiff’s Complaint.
3. The University Defendants are located in Canada.
4. Litigation across international lines raises complex, non-standard legal issues. Granting leave to file an oversized brief is therefore appropriate so that the University Defendants can address these non-standard legal issues in its Motion to Dismiss.
5. Litigation across international lines also implicates several different sections of Fed. R. Civ. P. 12(b), including subject matter jurisdiction, personal jurisdiction, and

service, all of which the University Defendants intend on contesting. Granting leave to file an oversized brief is also appropriate so that the University Defendants can address multiple sections of Fed. R. Civ. P. 12(b) in a single brief.

6. Pursuant to LCvR 7.1(j), counsel for the University Defendants have conferred with counsel for Plaintiff. Plaintiff's counsel does not object to the University Defendants Motion's for Leave to File an Oversized Brief.

7. A proposed order will be submitted according to the Local Rules.

RELIEF REQUESTED

WHEREFORE, the University Defendants respectfully request that this Court enter an Order allowing the University Defendants to file a Motion to Dismiss and Brief in Support that is up to 35 pages in length.

Respectfully submitted,

/s/ Don W. Danz

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(TO BE ADMITTED PRO HAC VICE)
Attorneys for University Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically on this 2nd day of August, 2024, which will send notification of such filing to the following attorneys of record registered on the CM/ECF system:

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/s/ Don W. Danz